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11 Attorneys for Juicero Inc.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 JUICERO INC., a Delaware corporation,

16 Plaintiff,

17 vs.

18 iTASTE CO., LTD., a/k/a iTaste Co., Ltd.
Shanghai, China and Shanghai iTaste
19 Electronics Technology Co., Ltd., d/b/a Juisir;
FROOTHIE USA LLC, a Delaware limited
20 liability company; and
XIUXING “LEO” CHEN, an individual,

21 Defendants.

22 CASE NO. 5:17-cv-01921-BLF

23 **JUICERO INC.’S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

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1 Pursuant to Civil Local Rules 7-11 and 79-5, Juicero Inc. (“Juicero”) brings this
 2 administrative motion for an order to seal certain information filed in connection with Juicero’s
 3 Motion for a Preliminary Injunction.

4 **RELIEF REQUESTED**

5 Juicero requests an order granting its motion to file under seal limited portions of the
 6 following documents:

7 Document	8 Portions to be Filed Under Seal	9 Parties Claiming Confidentiality
10 Juicero’s Motion for a Preliminary Injunction	11 The limited portions highlighted in the unredacted version submitted under seal.	12 Juicero
13 Declaration of Mike Rosenthal in Support of Juicero’s Motion for a Preliminary Injunction	14 The limited portions highlighted in the unredacted version submitted under seal.	15 Juicero

16 Juicero respectfully asserts that it has established good cause to permit filing these
 17 documents under seal through the Declaration of Mike Rosenthal in Support of Juicero’s Motion
 18 for a Preliminary Injunction (“Rosenthal Dec.”), filed contemporaneously with this motion.

19 **I. THE GOOD CAUSE STANDARD APPLIES**

20 Juicero’s motion for a preliminary injunction is a non-dispositive filing as it will not
 21 resolve the dispute on the merits, but rather seeks preliminary relief until the time that a
 22 dispositive motion can be heard or a trial held. Therefore, documents submitted in connection
 23 with Juicero’s motion may be sealed upon a showing of “good cause” and need not meet the
 24 higher “compelling reasons” standard. Fed. R. Civ. P. 26(c); *Kamakana v. City and County of
Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).

25 **II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL**

26 Good cause exists to seal the limited confidential Juicero information included in the
 27 documents listed in the chart above, which cover research and marketing expenditures, unit sales
 28 data, revenue figures, and strategic research and development plans. *See Apple Inc. v. Samsung
Elecs. Co., Ltd.*, 727 F.3d 1214, 1223 (applying Ninth Circuit law and finding both good cause

1 and compelling reasons standards met in parties' requests to seal confidential sales and financial
2 data). Juicero does not disseminate this information publicly and would suffer significant
3 competitive harm from public disclosure of this financial data. (See Rosenthal Dec., ¶ 10.)

4 Juicero's request is narrowly tailored to seal only the limited financial and strategy
5 information included in its motion and supporting declaration and leaves the bulk of those papers
6 unsealed. No non-confidential information is sought to be sealed.

7 **CONCLUSION**

8 For the foregoing reasons, Juicero respectfully requests that the Court grant this
9 Administrative Motion to File Under Seal or alternatively to provide Juicero an opportunity to
10 remove its confidential information from the record.

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12 DATED: May 19, 2017

13 QUINN EMANUEL URQUHART &
14 SULLIVAN, LLP

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16 By /s/ Kevin P.B. Johnson
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18 Attorney for Juicero Inc.
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